

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MINSOO SOHN,

PLAINTIFF,

vs.

KOMINOX USA, INC., and YOONKON
YANG,

DEFENDANTS.

Index No: 2:21-cv-17526(KSH)(ESK)

CIVIL ACTION

ANSWER TO COMPLAINT

Defendants, KOMINOX USA, INC., and YOONKON YANG, by way of their attorneys,
Song Law Firm, LLC, file their Answer to the Complaint as follows:

Defendants deny each and every allegation of the Complaint unless specifically admitted
herein.

INTRODUCTION

1. Denied.
2. Denied.
3. Denied.

JURISDICTION AND VENUE

4. Admitted.
5. Admitted.

PLAINTIFF

6. Denied

DEFENDANTS

Corporate Defendant

7. Denied

8. Denied

9. Denied

10. Denied.

Owner/Operator Defendant

11. Admitted

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted.

17. Denied.

STATEMENT OF FACTS

18. Denied.

19. Denied.

20. Denied.

21. Unknown and without sufficient facts, therefore denied

22. Unknown and without sufficient facts, therefore denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

STATEMENT OF CLAIMS

COUNT I.

[Violation of the Fair Labor Standards Act- Failure to Pay Minimum Wage]

39. Defendants repeat each of the above paragraphs as if fully set forth herein.

40. The FLSA will speak for itself, otherwise denied

41. 29 U.S.C. § 206 will speak for itself, otherwise denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

COUNT II.

[Violation of the Fair Labor Standards Act- Failure to Pay Overtime]

47. Defendants repeat each of the above paragraphs as if fully set forth herein.

48. The FLSA will speak for itself, otherwise denied.

49. The FLSA will speak for itself, otherwise denied.

50. Denied.

51. Denied.

52. The FLSA and supporting regulations will speak for themselves, otherwise denied.

53. Denied.

54. Denied.

COUNT III.

[Violation of New Jersey Wage and Hour Law-Failure to Pay Minimum Wage]

55. Defendants repeat each of the above paragraphs as if fully set forth herein.

56. Denied.

57. Denied.

COUNT IV.

[Violation of New Jersey Wage and Hour Law-Failure to Pay Overtime]

58. Defendants repeat each of the above paragraphs as if fully set forth herein.

59. New Jersey Wage and Hour Law will speak for itself, otherwise denied.

60. Denied.

61. Denied.

62. Denied.

PRAYER FOR RELIEF

Denied.

AFFIRMATIVE DEFENSES

FIRST SEPARATE DEFENSE

The Complaint fails to state a cause of action against Plaintiff for which relief can be granted.

SECOND SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted and should be dismissed.

THIRD SEPARATE DEFENSE

The Complaint is barred by the Doctrine of Estoppel.

FOURTH SEPARATE DEFENSE

The Complaint is barred by the Doctrine of Laches.

FIFTH SEPARATE DEFENSE

The Complaint is barred by the Statute of Limitations.

SIXTH SEPARATE DEFENSE

The Complaint is barred by the Doctrine of Waiver.

SEVENTH SEPARATE DEFENSE

The Complaint is barred by Plaintiff's own acts and/or omissions.

EIGHTH SEPARATE DEFENSE

Plaintiff has failed to mitigate any alleged damages. Consequently, such claims, if any, must be reduced, excused or discharged.

NINTH SEPARATE DEFENSE

The damages alleged by Plaintiff, if any, are as a result of the actions and/or inactions or negligence of Plaintiff, its agents, servants, employees or representatives. As such, Plaintiff's claims, if any, must be reduced or barred accordingly.

TENTH SEPARATE DEFENSE

The acts and/or omissions complained of in the Complaint, if any, are the fault or responsibility of third party(ies) over which Defendants have no control.

ELEVENTH SEPARATE DEFENSE

The damages alleged by Plaintiff, if any, resulted from the actions and/or inactions of third parties constituting an intervening or superseding cause precluding any liability on the part of Defendants.

TWELVTH SEPARATE DEFENSE

Any loss, injury or damage sustained by Plaintiff is governed by the Rules of Comparative Negligence and any judgment entered should be reduced pro-rata accordingly or defeated in its entirety.

THIRTEENTH SEPARATE DEFENSE

Defendants did not breach any duty to Plaintiff.

FOURTEENTH SEPARATE DEFENSE

Plaintiff's Complaint is frivolous, and Defendant hereby demands sanctions pursuant to N.J.S.A. 2A:15-59.1

DEMAND FOR JURY TRIAL

Defendants demand a jury trial of all issues so triable.

SONG LAW FIRM, LLC

By: /s/ Roy H. Mossi
ROY H. MOSSI
Attorneys for Defendants

Dated: November 17, 2021